

Current Class: UNCLASSIFIED  
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B1, 1.4(D), B6

INFO	LOG-00	NP-00	ACQ-00	INL-00	DEAE-00	DINT-00	DODE-00
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R 082042Z MAY 02  
FM AMEMBASSY CARACAS  
TO SECSTATE WASHDC 5832  
INFO CIA WASHDC  
DIA WASHDC  
NSC WASHDC  
USCINCSO MIAMI FL  
AMEMBASSY BOGOTA  
AMEMBASSY LIMA  
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AMEMBASSY QUITO  
AMEMBASSY BRASILIA  
AMEMBASSY MADRID  
AMEMBASSY MEXICO

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NSC FOR AMB WEIGOLD, SOUTHCOM FOR POLAD, INR FOR COZART AND  
INR/B

E.O. 12958: N/A  
TAGS: PGOV, PREL, PINR, SNAR, VE  
SUBJECT: TRUTH COMMISSION PLANS AND NGO RESPONSE

REFS: A. CARACAS 1239; B. CARACAS 1167

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SUMMARY  
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1. IN THE AFTERMATH OF APRIL 11-14, VARIOUS GROUPS HAVE  
BEGUN TO FORM SPECIAL COMMISSIONS TO INVESTIGATE THE CRIMES  
AND HUMAN RIGHTS ABUSES THAT RESULTED FROM THE VIOLENCE.  
THE NATIONAL ASSEMBLY HAS A SPECIAL COMMISSION SEEKING

UNITED STATES DEPARTMENT OF STATE  
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REVIEW AUTHORITY: JOHN L MILLS  
CLASSIFICATION: CONFIDENTIAL REASON: 1.4(D)  
DECLASSIFY AFTER: 7 MAY 2012  
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ANSWERS ITS OWN QUESTIONS REGARDING THE POLITICAL ASPECT OF CHAVEZ'S OUSTER, THE ATTORNEY GENERAL'S OFFICE WILL SOON BE CONDUCTING ITS INVESTIGATIONS INTO THE CRIMINAL ABUSES, AND FINALLY, THE OAS IS INVESTIGATING VENEZUELA'S HUMAN RIGHTS PRACTICES IN GENERAL. IN AN ATTEMPT TO SATISFY OPPOSITION LEADERS AND NGOS, THE NATIONAL ASSEMBLY IS ALSO PROPOSING THE CREATION OF A TRUTH COMMISSION. HOWEVER, THEIR PLANS FALL FAR SHORT OF WHAT MANY THINK IS NECESSARY TO ENSURE THAT THE TRUTH IS REALLY UNCOVERED. NGO GROUPS ARE FRUSTRATED, AND WANT MORE AUTONOMY AND INDEPENDENCE FOR THE COMMISSION BEFORE THEY WILL PLEDGE THEIR SUPPORT. END SUMMARY

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NATIONAL ASSEMBLY SPECIAL COMMISSION  
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2. OFTEN CHARACTERIZED BY ACRIMONIOUS OUTBURSTS, THE NATIONAL ASSEMBLY IS A WEEK INTO ITS HEARINGS TO INVESTIGATE THE EVENTS OF APRIL 11-14. THEY HAVE INTERVIEWED SEVERAL POLITICAL ACTORS TO DETERMINE THEIR INVOLVEMENT IN COUP PLOTTING, SUCH AS INTERIM PRESIDENT PEDRO CARMONA ESTANGA, ADMIRAL CARLOS MOLINA TAMAYO, AND GUAICAIPURO LAMEDA, AS WELL AS PRO-GOVERNMENT ACTORS SUCH AS LIBERTADOR MAYOR FREDDIE BERNAL AND FORMER MINISTER OF DEFENSE JOSE VICENTE RANGEL. ALSO BEING INTERVIEWED ARE "VICTIMS" OF THE CARMONA GOVERNMENT SUCH AS TACHIRA GOVERNOR RONALD BLANCO LA CRUZ, WHO WAS REMOVED FROM HIS RESIDENCE AND COERCED INTO RESIGNING AFTER ANGRY MOBS SURROUNDED HIS OFFICE, AND RAMON RODRIGUEZ CHACIN, FORMER INTERIOR MINISTER WHO WAS TAKEN INTO CUSTODY ON APRIL 12 DURING THE CARMONA PRESIDENCY.

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ATTORNEY GENERAL'S COMMISSIONS  
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3. THE ATTORNEY GENERAL'S OFFICE HAS CREATED FOUR COMMISSIONS TO INVESTIGATE THE HUMAN RIGHTS ABUSES THAT TOOK PLACE DURING THAT TIME (SEE REFTTEL A). ALTHOUGH THE INVESTIGATIONS HAVE NOT YET BEGUN, THE MECHANISM HAS BEEN DEVELOPED, AND THE ACTORS CHOSEN.

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OAS INVESTIGATION

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4. THE OAS'S INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (CIDH) CURRENTLY HAS A TEAM OF FIVE IN COUNTRY TO INVESTIGATE THE HUMAN RIGHTS SITUATION IN VENEZUELA. THEY ARE SCHEDULED TO BE IN VENEZUELA MAY 5-10. THEY HAVE ANNOUNCED THAT THEY WILL ACCEPT WRITTEN COMPLAINTS FROM PEOPLE CLAIMING TO HAVE SUFFERED HUMAN RIGHTS ABUSES DURING THE APRIL 11-14 UPEHAVAL THROUGH MAY 10. THE OAS INVESTIGATION IS NOT LIMITED TO THIS TIME PERIOD, BUT WILL ALSO COVER ALSO ALLEGED HUMAN RIGHTS VIOLATIONS THAT OCCURRED SEVERAL YEARS AGO. THE OAS TEAM WILL MEET WITH FAMILY MEMBERS OF VICTIMS OF EXTRA-JUDICIAL KILLINGS IN PORTUGUESA STATE, AND THEY WILL INVESTIGATING VENEZUELA'S OVERALL POLITICAL AND INSTITUTIONAL STRUCTURE TO EVALUATE THE GOVERNMENT'S ABILITY TO ADDRESS DEMOCRACY AND HUMAN RIGHTS ISSUES.

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TRUTH COMMISSION  
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5. THE NATIONAL ASSEMBLY HAS APPROVED THE FORMATION OF AN INDEPENDENT TRUTH COMMISSION TO INVESTIGATE THE EVENTS OF APRIL 11-14 (REFTEL B). UNDER THIS PLAN, THIS COMMISSION WILL BE COMPRISED OF SIX NGOS SPECIALIZING IN HUMAN RIGHTS,

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R 082042Z MAY 02  
FM AMEMBASSY CARACAS  
TO SECSTATE WASHDC 5833  
INFO CIA WASHDC  
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AMEMBASSY BOGOTA  
AMEMBASSY LIMA  
AMEMBASSY LA PAZ  
AMEMBASSY QUITO  
AMEMBASSY BRASILIA  
AMEMBASSY MADRID  
AMEMBASSY MEXICO

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NSC FOR AMB WEIGOLD, SOUTHCOM FOR POLAD, INR FOR COZART AND  
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E.O. 12958: N/A  
TAGS: PGOV, PREL, PINR, SNAR, VE  
SUBJECT: TRUTH COMMISSION PLANS AND NGO RESPONSE

CHURCH GROUPS, AND HUMAN RIGHTS OFFICES OF TWO CARACAS  
UNIVERSITIES, UNIVERSIDAD CENTRAL AND UNIVERSIDAD CATOLICA  
ANDRES BELLO. THE COMMISSION WILL FALL UNDER THE LOGISTICAL  
SUPERVISION OF THREE NATIONAL ASSEMBLY DEPUTIES, NOHELI  
POCATERRA (INDIGENOUS PARTY) WILFREDO FEBRES (AD), AND OMAR  
MEZA (MVR). THE COMMISSION WILL HAVE 45 DAYS TO CONDUCT  
ITS INVESTIGATION AND REPORT TO THE NATIONAL ASSEMBLY,  
WHERE IT'S FINDINGS MUST BE APPROVED BY A SIMPLE MAJORITY  
VOTE.

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NGO RESPONSE TO PROPOSED TRUTH COMMISSION  
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6. THE GENERAL CONSENSUS AMONG NGO GROUPS IS THAT THE  
NATIONAL ASSEMBLY'S PLAN FOR TRUTH COMMISSION IS  
UNACCEPTABLE. SEVERAL PROMINENT HUMAN RIGHTS NGOS INCLUDING  
COFAVIC HAVE STATED PUBLICLY THAT THEY WILL NOT  
PARTICIPATE. THEIR COMPLAINTS INCLUDE:

-- LACK OF LEGAL AUTHORITY. LILIANA ORTEGA, DIRECTOR OF  
COFAVIC, SAYS THAT WITHOUT A LAW CREATING THE COMMISSION  
AND GIVING IT A LEGAL AUTHORITY, THE COMMISSION'S FINDINGS  
WILL NOT HAVE THE RULE OF LAW. AS IT STANDS, THE

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COMMISSION WILL BE THE RESULT OF A NATIONAL ASSEMBLY  
AGREEMENT, RATHER THAN AN APPROVED LAW, AND THEREFORE,  
THEIR FINDINGS WILL NOT BE BINDING.

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-- PARTICIPATION OF NATIONAL ASSEMBLY DEPUTIES. ALL CONTACTS POLOFF HAS MET WITH BELIEVE THAT ANY KIND OF NATIONAL ASSEMBLY PARTICIPATION, REGARDLESS OF POLITICAL ORIENTATION, IN THE TRUTH COMMISSION WILL EFFECTIVELY ELIMINATE ITS CHANCES OF IMPARTIALITY OR AUTONOMY. THE SO-CALLED LOGISTICAL SUPPORT THAT THE DEPUTIES WILL SUPPOSEDLY BE PROVIDING SHOULD BE GUARANTEED BY THE NATIONAL ASSEMBLY WITHOUT HAVING TO GO THROUGH THE APPROVAL PROCESS OF THREE HAND-PICKED DEPUTIES.

-- APPROVAL OF THE COMMITTEE'S FINDING BY SIMPLE MAJORITY. ALL NGO REPRESENTATIVES THAT POLOFF HAS MET WITH ALL AGREE THAT SUBJECTING THE COMMITTEE'S FINDINGS TO AN APPROVAL PROCESS IN THE NATIONAL ASSEMBLY WILL POLITICIZE THE PROCESS. NGO GROUPS WANT TO REMOVE ANY OVERSIGHT FROM THE NATIONAL ASSEMBLY BY HAVING A GUARANTEE THAT THE COMMITTEE'S FINDINGS WILL BE ACCEPTED AS IS, WITHOUT A VOTE.

-- LIMITING THE INVESTIGATION TO 45 DAYS. ALTHOUGH MANY BELIEVE THAT A TRUTH COMMISSION SHOULD BE LIMITED IN DURATION, NO CONTACTS BELIEVE THAT 45 DAYS WILL BE SUFFICIENT TO CONDUCT A THOROUGH INVESTIGATION. VARIOUS CONTACTS HAVE STATED THAT A MORE FEASIBLE TIME PERIOD WOULD BE AT LEAST 120 DAYS.

-- MAKE UP OF THE TRUTH COMMISSION: THE PROPOSAL BY  
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NATIONAL ASSEMBLY LEADERS TO SELECT SIX HUMAN RIGHTS ORGANIZATIONS IN THE MAKE UP OF THE COMMISSION IS CAUSING CONTROVERSY. MANY WELL-KNOWN HUMAN RIGHTS ORGANIZATIONS ARE CONCERNED THAT THE NGO REPRESENTATIVES WHO ARE SELECTED WILL NOT BE TRULY EXPERIENCED IN HUMAN RIGHTS WORK. [REDACTED]

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[REDACTED] SOME OF THE  
ORGANIZATIONS THAT HAVE APPLIED FOR REPRESENTATION IN THE COMMISSION INCLUDE THE VENEZUELAN ASSOCIATION OF TELEPATHS, AND AN OWNER OF A SHOE SHOP. ALTHOUGH WE DO NOT YET KNOW WHICH ORGANIZATIONS WILL ACTUALLY BE CHOSEN, THERE WILL INVARIABLY BE ROOM FOR SELECTING MEMBERS WHO ARE POLITICALLY BIASED, RATHER THAN INDEPENDENT EXPERTS.

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WHAT THE NGOS WANT  
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THE ESSENTIAL CHARACTERISTICS FOR A TRUTH  
COMMISSION THAT HAS ANY HOPE OF BEING SUCCESSFUL AT ALL ARE  
INDEPENDENCE AND AUTONOMY. THE COMMISSION MUST FUNCTION  
OUTSIDE THE GRASP OF GOVERNMENT, INCLUDING THE ATTORNEY  
GENERAL'S OFFICE AND THE NATIONAL ASSEMBLY. THE TRUTH

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INFO CIA WASHDC  
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AMEMBASSY BOGOTA  
AMEMBASSY LIMA  
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AMEMBASSY QUITO  
AMEMBASSY BRASILIA  
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COMMISSION'S INDEPENDENCE DOES NOT MEAN THAT THESE SEPARATE

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INVESTIGATIONS WILL NOT BE USEFUL. RATHER, [REDACTED]  
[REDACTED] A PARALLEL INVESTIGATION BY AN INDEPENDENT, NON-  
GOVERNMENTAL BODY COULD COMPLIMENT OFFICIAL INVESTIGATIONS,  
AND KEEP THEIR INVESTIGATIONS ON TRACK.

B1, B6

8. [REDACTED] IN ORDER FOR AN INDEPENDENT TRUTH  
COMMISSION TO SUCCEED, THE GOVERNMENT NEEDS TO DO THE  
FOLLOWING:

B1, B6

- GIVE THE COMMISSION THE LEGAL AUTHORITY TO CONDUCT ITS  
INVESTIGATION INDEPENDENTLY;
- GUARANTEE THE ABILITY OF THE COMMISSION TO CARRY OUT ITS  
MISSION BY DEVOTING THE NECESSARY FINANCIAL AND LEGAL  
RESOURCES TO IT. THIS INCLUDES GRANTING THE COMMISSION  
PARLIAMENTARY RIGHTS, SUCH AS THE RIGHT TO SUBPOENA  
WITNESSES;
- GUARANTEE THAT THE GOVERNMENT WILL ACCEPT THE TRUTH  
COMMISSION'S FINDINGS, AND ACT ON THEM, INCLUDING PAYING  
REPARATIONS TO VICTIMS AND PUNISHING RESPONSIBLE PARTIES;  
AND
- TAKE MEASURES TO GUARANTEE THAT WHAT OCCURRED APRIL 11-  
14 WILL NOT HAPPEN AGAIN. THIS COULD INCLUDE REORGANIZING  
THE POLICE, REVISING PLAN AVILA, AND WORKING TO GET GUNS  
OFF OF CARACAS'S STREETS.

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POTENTIAL PROBLEMS  
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9. EVEN IN AN IDEAL SITUATION WITH ALL OF THE ABOVE  
CRITERIA MET, THERE WOULD STILL BE SERIOUS PROBLEMS  
IMPEDING THE TRUTH COMMISSION'S SUCCESS. THE FIRST IS THE  
TIME FACTOR. NOT MUCH TIME HAS PASSED SINCE APRIL 11, AND  
THE WOUNDS FROM THAT DATE ARE STILL OPEN. [REDACTED]

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	PA-00	PM-00	PRS-00	ACE-00	P-00	SP-00	TEST-00
	TRSE-00	USIE-00	ECA-00	PMB-00	DSCC-00	DRL-02	G-00

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